



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: December 17, 2019

Subject

Second reading of Ordinance No. 19-2191 adopting Municipal Code Amendments to clarify development standards in the Planned Development (P) Zoning Districts. (Application No. MCA-2019-005; Applicant: City of Cupertino; Location: In P zoning districts located City-wide)

Recommended Actions

Conduct the second reading and enact Ordinance No. 19-2191 (MCA-2019-005: "An Ordinance of the City Council of the City of Cupertino adopting the Third Addendum to the 2014 General Plan Final EIR and Amendments to Chapter 19.80 (Planned Development (P) Zones) of the Cupertino Municipal Code to Clarify Development Standards in P Zones" (Attachment A).

Discussion

On December 3, 2019 the City Council introduced and conducted the first reading of Ordinance No. 19-2191. The motions passed on a 5-0 vote. The City Council motion for adoption included incorporation of amendments shown in materials provided to Council at the dais and a minor text amendment to Section 19.80.050. Attachment B indicates redlines to the two pages of the draft ordinance made at the December 3rd meeting.

Environmental Review

Pursuant to the requirements of the California Environmental Quality Act (CEQA), a Third Addendum to the Final Environmental Impact Report (EIR) for the General Plan Amendment, Housing Element Update, and Associated Rezoning Project (State Clearinghouse No. 2014032007), a program EIR prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168, was prepared. As demonstrated in the Third Addendum, the record includes substantial evidence in support of the conclusion that no subsequent environmental review is required because none of the conditions that would require preparation of a subsequent EIR pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred.

In the alternative, adopting the proposed amendments to the Municipal Code is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment. In the event that the Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As the proposed amendments merely clarify the development standards that would apply in certain limited circumstances based on existing standards in the event alternative standards are not applied for, they will have no significant impact on the environment.

Fiscal Impact

None

Next Steps

This zoning ordinance will take effect 30 days after the second reading.

Prepared by: Piu Ghosh, Planning Manager

Reviewed by: Benjamin Fu, Director of Community Development

Approved for Submission by: Deborah Feng, City Manager

ATTACHMENTS:

A – Ordinance No. 19-2191

B – Redlines indicating amendments to draft ordinance